IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14400 of 2004

Between:

Smt. N. Sarojamma, W/o. Sreenivasulu,
R/o. Obulapuram Village, Pamidi Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Pamidi Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in refusing to grant stay in his proceedings L.Dis.NO.K4/ATP/913/2004, dated 12-8-2004 as illegal, arbitrary and consequently direct the respondents to permit the petitioner to distribute the essential commodities for the Obulapuram Village, Pamidi Mandal, Anantapur District pending enquiry before the 2nd respondent.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner is an authorised dealer in respect of Fair Price Shop of Obulapuram village, Pamidi Mandal, Anantapur District. The second respondent herein issued a show-cause notice dated 19.07.2004, calling upon the petitioner to show cause why his authorisation should not be suspended on the ground of alleged irregularities specified thereunder.

As can be seen from the show-cause notice, the allegations are based upon a report submitted by the Mandal Revenue Officer, Pamidi Mandal, Anantapur District. In the circumstances, the petitioner through her advocate requested the Revenue Divisional Officer to furnish a copy of the said report of the Mandal Revenue Officer. Strangely, the Revenue Divisional Officer without furnishing the copy of the enquiry report, by order dated 06-08-2004 suspended the authorisation of the petitioner, pending enquiry, observing that the petitioner instead of submitting her explanation, asked for the copy of the enquiry report which shows that she has no explanation to offer and she is playing tricks to prolong the issue. Aggrieved by the same, the petitioner preferred an appeal before the first respondent along with an application for stay. The first respondent without issuing any notice to the petitioner and without referring to any one of the contentions raised by her in the appeal, ordered as under:

"There is no need to interfere with the orders of the Revenue Divisional Officer, Anantapur. Accordingly, the stay is not granted. The Revenue Divisional Officer is directed to dispose of the case immediately."

The said order dated 12-08-2004 is under challenge in this writ petition.

The learned counsel for the petitioner contends that the order of the first respondent in rejecting the appeal itself without hearing the petitioner and without referring to any one of the contentions raised in the appeal, is arbitrary and illegal. The learned counsel also contends that all the allegations made against the petitioner are false and baseless and at any rate they are trivial in nature, therefore the first respondent ought to have held that the suspension pending enquiry is not warranted.

On a perusal of the order impugned, it appears that it is a final order made in the appeal itself. As rightly contended by the learned counsel for the petitioner, the first respondent is not justified in rejecting the appeal without considering any one of the grounds raised in the appeal and without assigning any reasons in support of his conclusion. Such a mechanical order while disposing of a statutory appeal, cannot be sustained.

Accordingly, the impugned order dated 12-08-2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider and dispose of the main appeal afresh in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till the appeal is disposed of, the order of suspension dated 06.08.2004 passed by the second respondent shall not be given effect to. No costs.

16.08.2004

VGB

To

1 The Joint Collector, Anantapur District, Anantapur.
2 The Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Pamidi Mandal, Anantapur District.

4 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

5 2CD copies.